

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

FINJAN SOFTWARE, LTD., an Israel
corporation,

Plaintiff,

v.

SECURE COMPUTING CORPORATION,
a Delaware corporation, CYBERGUARD,
CORPORATION, a Delaware corporation,
WEBWASHER AG, a German corporation
and DOES 1 THROUGH 100,

Defendants.

Civil Action No. 06-369 GMS

FINJAN SOFTWARE, LTD.'S SPECIAL VERDICT FORM

A. Finjan's Patent Infringement Claims Against Defendants

Literal Infringement

1. Do you find that Finjan has proven by a preponderance of the evidence that Defendants have literally infringed any of the asserted claims of U.S. Patent No. 6,092,194?

YES _____ NO _____

[If you answered "Yes" to Question 1], please mark the claims you found to be infringed:

Claim 1: _____	Claim 2: _____	Claim 3: _____	Claim 4: _____
Claim 5: _____	Claim 6: _____	Claim 7: _____	Claim 8: _____
Claim 9: _____	Claim 10: _____	Claim 11: _____	Claim 12: _____
Claim 13: _____	Claim 14: _____	Claim 24: _____	Claim 25: _____
Claim 26: _____	Claim 27: _____	Claim 28: _____	Claim 29: _____
Claim 30: _____	Claim 32: _____	Claim 33: _____	Claim 34: _____
Claim 35: _____	Claim 36: _____	Claim 65: _____	

2. Do you find that Finjan has proven by a preponderance of the evidence that Defendants have literally infringed any of the asserted claims of U.S. Patent No. 6,804,780?

YES _____ NO _____

[If you answered "Yes" to Question 2], please mark the claims you found to be infringed:

Claim 1: _____	Claim 2: _____	Claim 3: _____	Claim 4: _____
Claim 5: _____	Claim 6: _____	Claim 7: _____	Claim 8: _____
Claim 9: _____	Claim 10: _____	Claim 11: _____	Claim 12: _____
Claim 13: _____	Claim 14: _____	Claim 15: _____	Claim 16: _____
Claim 17: _____	Claim 18: _____		

3. Do you find that Finjan has proven by a preponderance of the evidence that Defendants have literally infringed any of the asserted claims of U.S. Patent No. 7,058,822?

YES _____ NO _____

[If you answered "Yes" to Question 3], please identify the claims you found to be infringed:

Claim 1: _____	Claim 2: _____	Claim 4: _____	Claim 6: _____
Claim 8: _____	Claim 9: _____	Claim 12: _____	Claim 13: _____
Claim 15: _____	Claim 16: _____	Claim 17: _____	Claim 18: _____
Claim 20: _____	Claim 21: _____	Claim 22: _____	Claim 24: _____
Claim 26: _____	Claim 27: _____	Claim 28: _____	Claim 29: _____
Claim 31: _____	Claim 32: _____	Claim 34: _____	Claim 35: _____

Infringement Under The Doctrine of Equivalents

4. If you found that Defendants did not literally infringe some or all of the claims of U.S. Patent No. 6,092,194 under Question 1, do you find that Finjan has proven by a preponderance of the evidence that Defendants infringed any of those claims under the doctrine of equivalents? **[Skip this question if you answered "Yes" and found literal infringement of all asserted claims of U.S. Patent No. 6,092,194 under Question 1]**

YES _____ NO _____

[If you answered "Yes" to Question 4], please mark the claims you found to be infringed:

Claim 1: _____	Claim 2: _____	Claim 3: _____	Claim 4: _____
Claim 5: _____	Claim 6: _____	Claim 7: _____	Claim 8: _____
Claim 9: _____	Claim 10: _____	Claim 11: _____	Claim 12: _____
Claim 13: _____	Claim 14: _____	Claim 24: _____	Claim 25: _____
Claim 26: _____	Claim 27: _____	Claim 28: _____	Claim 29: _____
Claim 30: _____	Claim 32: _____	Claim 33: _____	Claim 34: _____
Claim 35: _____	Claim 36: _____	Claim 65: _____	

5. If you found that Defendants did not literally infringe some or all of the claims of U.S. Patent No. 6,804,780 under Question 2, do you find that Finjan has proven by a preponderance of the evidence that Defendants infringed any of those claims under the doctrine of equivalents? **[Skip this question if you answered "Yes" and found literal infringement of all asserted claims of U.S. Patent No. 6,804,780 under Question 2]**

YES _____ NO _____

[If you answered "Yes" to Question 5], please mark the claims you found to be infringed:

Claim 1: _____	Claim 2: _____	Claim 3: _____	Claim 4: _____
Claim 5: _____	Claim 6: _____	Claim 7: _____	Claim 8: _____
Claim 9: _____	Claim 10: _____	Claim 11: _____	Claim 12: _____
Claim 13: _____	Claim 14: _____	Claim 15: _____	Claim 16: _____
Claim 17: _____	Claim 18: _____		

6. If you found that Defendants did not literally infringe some or all of the claims of U.S. Patent No. 7,058,822 under Question 3, do you find that Finjan has proven by a preponderance of the evidence that Defendants infringed any of those claims under the doctrine of equivalents? **[Skip this question if you answered "Yes" and found literal infringement of all asserted claims of U.S. Patent No. 7,058,822 under Question 3]**

YES _____ NO _____

[If you answered "Yes" to Question 6], please identify the claims you found to be infringed:

Claim 1: _____	Claim 2: _____	Claim 4: _____	Claim 6: _____
Claim 8: _____	Claim 9: _____	Claim 12: _____	Claim 13: _____
Claim 15: _____	Claim 16: _____	Claim 17: _____	Claim 18: _____
Claim 20: _____	Claim 21: _____	Claim 22: _____	Claim 24: _____
Claim 26: _____	Claim 27: _____	Claim 28: _____	Claim 29: _____
Claim 31: _____	Claim 32: _____	Claim 34: _____	Claim 35: _____

Willful Infringement

7. If you answered "Yes" to Questions 1, 2, 3, 4, 5, or 6, was Defendants' infringement willful?

YES _____ NO _____

B. Defendants' Patent Invalidity Claims Against Finjan**Anticipation**

8. Do you find that Defendants have proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 6,092,194 are invalid because they are anticipated by prior art?

YES _____ NO _____

[If you answered "Yes" to Question 8], please identify the claims you found to be anticipated by prior art:

Claim 1: _____	Claim 2: _____	Claim 3: _____	Claim 4: _____
Claim 5: _____	Claim 6: _____	Claim 7: _____	Claim 8: _____
Claim 9: _____	Claim 10: _____	Claim 11: _____	Claim 12: _____
Claim 13: _____	Claim 14: _____	Claim 24: _____	Claim 25: _____
Claim 26: _____	Claim 27: _____	Claim 28: _____	Claim 29: _____
Claim 30: _____	Claim 32: _____	Claim 33: _____	Claim 34: _____
Claim 35: _____	Claim 36: _____	Claim 65: _____	

9. Do you find that Defendants have proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 6,804,780 are invalid because they are anticipated by prior art?

YES _____ NO _____

[If you answered "Yes" to Question 9], please identify the claims you found to be anticipated by prior art:

Claim 1: _____	Claim 2: _____	Claim 3: _____	Claim 4: _____
Claim 5: _____	Claim 6: _____	Claim 7: _____	Claim 8: _____
Claim 9: _____	Claim 10: _____	Claim 11: _____	Claim 12: _____
Claim 13: _____	Claim 14: _____	Claim 15: _____	Claim 16: _____
Claim 17: _____	Claim 18: _____		

10. Do you find that Defendants have proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 7,058,822 are invalid because they are anticipated by prior art?

YES _____ NO _____

[If you answered "Yes" to Question 10], please identify the claims you found to be anticipated by prior art:

Claim 1: _____	Claim 2: _____	Claim 4: _____	Claim 6: _____
Claim 8: _____	Claim 9: _____	Claim 12: _____	Claim 13: _____
Claim 15: _____	Claim 16: _____	Claim 17: _____	Claim 18: _____
Claim 20: _____	Claim 21: _____	Claim 22: _____	Claim 24: _____
Claim 26: _____	Claim 27: _____	Claim 28: _____	Claim 29: _____
Claim 31: _____	Claim 32: _____	Claim 34: _____	Claim 35: _____

Obviousness

11. Do you find that Defendants have proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 6,092,194 are invalid because the prior art makes them obvious?

YES _____ NO _____

[If you answered "Yes" to Question 11], please identify the claims you found to be obvious:

Claim 1: _____	Claim 2: _____	Claim 3: _____	Claim 4: _____
Claim 5: _____	Claim 6: _____	Claim 7: _____	Claim 8: _____
Claim 9: _____	Claim 10: _____	Claim 11: _____	Claim 12: _____
Claim 13: _____	Claim 14: _____	Claim 24: _____	Claim 25: _____
Claim 26: _____	Claim 27: _____	Claim 28: _____	Claim 29: _____
Claim 30: _____	Claim 32: _____	Claim 33: _____	Claim 34: _____
Claim 35: _____	Claim 36: _____	Claim 65: _____	

12. Do you find that Defendants have proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 6,804,780 are invalid because the prior art makes them obvious?

YES _____ NO _____

[If you answered "Yes" to Question 12], please identify the claims you found to be obvious:

Claim 1: _____ Claim 2: _____ Claim 3: _____ Claim 4: _____
 Claim 5: _____ Claim 6: _____ Claim 7: _____ Claim 8: _____
 Claim 9: _____ Claim 10: _____ Claim 11: _____ Claim 12: _____
 Claim 13: _____ Claim 14: _____ Claim 15: _____ Claim 16: _____
 Claim 17: _____ Claim 18: _____

13. Do you find that Defendants have proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 7,058,822 are invalid because the prior art makes them obvious?

YES _____ NO _____

[If you answered "Yes" to Question 13], please identify the claims you found to be obvious:

Claim 1: _____ Claim 2: _____ Claim 4: _____ Claim 6: _____
 Claim 8: _____ Claim 9: _____ Claim 12: _____ Claim 13: _____
 Claim 15: _____ Claim 16: _____ Claim 17: _____ Claim 18: _____
 Claim 20: _____ Claim 21: _____ Claim 22: _____ Claim 24: _____
 Claim 26: _____ Claim 27: _____ Claim 28: _____ Claim 29: _____
 Claim 31: _____ Claim 32: _____ Claim 34: _____ Claim 35: _____

C. Defendants' Inequitable Conduct Claim

14. Do you find that Defendants have proven by clear and convincing evidence that Finjan had the intent to mislead or deceive the patent examiner and withheld or misrepresented information that was significant and material to the patent examiner's evaluation of the application related to U.S. Patent No. 6,092,194?

YES _____ NO _____

D. Damages for Finjan's Patent Infringement Claims Against Defendants

15. If you have found that Defendants have infringed one or more of the asserted claims of U.S. Patent No. 6,092,194, U.S. Patent No. 6,804,780, and/or U.S. Patent No. 7,058,822, and that those claims are valid, then what is the reasonable royalty rate to which Finjan has proven by a preponderance of the evidence and the amount of sales that the royalty rate should be applied to?

_____ % \$ _____

E. Secure Computing's Patent Infringement Claims Against Finjan

Literal Infringement

16. Do you find that Secure Computing has proven by a preponderance of the evidence that Finjan has literally infringed any of the asserted claims of U.S. Patent No. 7,185,361?

YES _____ NO _____

[If you answered "Yes" to Question 16], please mark the claims you found to be infringed:

Claim 1: _____	Claim 2: _____	Claim 3: _____	Claim 4: _____
Claim 5: _____	Claim 7: _____	Claim 8: _____	Claim 9: _____
Claim 10: _____	Claim 11: _____	Claim 12: _____	Claim 14: _____
Claim 15: _____			

17. Do you find that Secure Computing has proven by a preponderance of the evidence that Finjan has literally infringed Claim 37 of U.S. Patent No. 6,357,010?

YES _____ NO _____

Infringement Under The Doctrine of Equivalents

18. If you found that Finjan did not literally infringe some or all of the claims of U.S. Patent No. 7,185,361 under Question 16, do you find that Secure Computing has proven by a preponderance of the evidence that Finjan has infringed any of those claims under the doctrine of equivalents? **[Skip this question if you answered "Yes" and found literal infringement of all asserted claims of U.S. Patent No. 7,185,361 under Question 16]**

YES _____ NO _____

[If you answered "Yes" to Question 18], please mark the claims you found to be infringed:

Claim 1: _____ Claim 2: _____ Claim 3: _____ Claim 4: _____
 Claim 5: _____ Claim 7: _____ Claim 8: _____ Claim 9: _____
 Claim 10: _____ Claim 11: _____ Claim 12: _____ Claim 14: _____
 Claim 15: _____

19. If you found that Finjan did not literally infringe Claim 37 of U.S. Patent No. 6,357,010 under Question 17, do you find that Secure Computing has proven by a preponderance of the evidence that Finjan has infringed that claim under the doctrine of equivalents? **[Skip this question if you answered "Yes" and found literal infringement of Claim 37 of U.S. Patent No. 6,357,010 under Question 17]**

YES _____ NO _____

Willful Infringement of U.S. Patent No. 7,185,361

20. If you answered "Yes" to Question 16 or 18, was Finjan's infringement willful?

YES _____ NO _____

Willful Infringement of U.S. Patent No. 6,357,010

21. If you answered "Yes" to Question 17 or 19, was Finjan's infringement willful?

YES _____ NO _____

F. Finjan's Patent Invalidity Claims Against Secure Computing**Anticipation**

22. Do you find that Finjan has proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 7,185,361 are invalid because they are anticipated by prior art?

YES _____ NO _____

[If you answered "Yes" to Question 22], please mark the claims you found to be anticipated by prior art:

Claim 1: _____ Claim 2: _____ Claim 3: _____ Claim 4: _____
 Claim 5: _____ Claim 7: _____ Claim 8: _____ Claim 9: _____
 Claim 10: _____ Claim 11: _____ Claim 12: _____ Claim 14: _____
 Claim 15: _____

23. Do you find that Finjan has proven by clear and convincing evidence that Claim 37 of U.S. Patent No. 6,357,010 is invalid because it is anticipated by prior art?

YES _____ NO _____

Obviousness

24. Do you find that Finjan has proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 7,185,361 are invalid because the prior art makes them obvious?

YES _____ NO _____

[If you answered "Yes" to Question 24], please mark the claims you found to be obvious:

Claim 1: _____ Claim 2: _____ Claim 3: _____ Claim 4: _____
 Claim 5: _____ Claim 7: _____ Claim 8: _____ Claim 9: _____
 Claim 10: _____ Claim 11: _____ Claim 12: _____ Claim 14: _____
 Claim 15: _____

25. Do you find that Finjan has proven by clear and convincing evidence that Claim 37 of U.S. Patent No. 6,357,010 is invalid because the prior art makes it obvious?

YES _____ NO _____

G. Damages for Secure Computing's Patent Infringement Claims Against Finjan

26. If you have found that Finjan has infringed one or more of the asserted claims of U.S. Patent No. 7,185,361 and that those claims are valid, then what is the reasonable royalty rate to which Secure Computing has proven by a preponderance of the evidence and the amount of sales that the royalty rate should be applied to?

_____ % \$ _____

27. If you have found that Finjan has infringed one or more of the asserted claims of U.S. Patent No. 6,357,010 and that those claims are valid, then what is the reasonable royalty rate to which Secure Computing has proven by a preponderance of the evidence and the amount of sales that the royalty rate should be applied to?

_____ % \$ _____

FOREPERSON

841274

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I, Philip A. Rovner, hereby certify that on January 7, 2008, the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following; that the document was served on the following counsel as indicated; and that the document is available for viewing and downloading from CM/ECF.

BY HAND DELIVERY AND E-MAIL

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I hereby certify that on January 7, 2008 I have sent by E-mail the foregoing document to the following non-registered participants:

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